

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR HARRISON COUNTY )

Case No. 31500-1108-MS-483

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Harrison Circuit and Superior Courts request the approval of amended local rules for selection of special judges in criminal and civil cases in accordance with Ind. Criminal Rule 2.2 and Ind. Trial Rule 79, and caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Harrison Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR31-CR12-13, LR31-TR79-20, and LR31-AR1(E)-19 comply with the requirements of Ind. Criminal Rule 2.2, Ind. Trial Rule 79, and Ind. Administrative Rule 1(E), and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Harrison County Local Rules, LR31-CR12-13, LR31-TR79-20, and LR31-AR1(E)-19, set forth as an attachment to this Order, are approved effective retroactive to July 1, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Roger D. Davis, Harrison Superior Court, 1445 Gardner Lane, N.W., #3018, Corydon, IN 47112-2070; the Hon. John Evans, Harrison Circuit Court, 300 North Capital Avenue, Corydon, IN 47112-0428; to the Clerk of the Harrison Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Harrison Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 4<sup>th</sup> day of August, 2011.

RT Shepard  
~~Acting~~ Chief Justice of Indiana

**LR31-CR12-13**

**CHANGE OF VENUE IN CRIMINAL, POST CONVICTION, INFRACTION AND  
ORDINANCE VIOLATION CASES**

A. This Local criminal rule has the purpose to comply with and to augment Indiana Criminal Rules Number 12 and 13, and is not to supersede same.

B. In criminal, post conviction, infraction and ordinance violation cases where a change of venue from judge motion has been granted, and in instances where a judge recuses or is disqualified, the clerk of the court shall select on a rotating basis a special judge from the following:

- (1) Judge of Crawford Circuit Court;
- (2) Judge of Harrison Circuit Court;
- (3) Judge of Washington Circuit Court;
- (4) Judge of Washington Superior Court; and
- (5) Senior Judges approved for the Harrison Superior Court that agree to accept criminal cases.

C. Judges previously assigned to the cause shall be ineligible for reassignment to that case.

D. In each instance where a defendant's change of venue from the judge motion has been granted in criminal, post conviction, infraction and ordinance violation case(s), or where a judge has disqualified or recused himself from criminal, post conviction, infraction and ordinance violation cases(s), the same judge shall be selected as the special judge under this rule for all criminal, infraction and ordinance violation cases pending against the defendant in that court for which the regular judge is disqualified. In addition, in any instance where a special judge has already been appointed for a defendant in a pending criminal, infraction and ordinance violation case(s), the same judge shall be selected as special judge if any new criminal, infraction, and ordinance violation case(s) are filed against the defendant and the regular judge grants a change of venue from the judge or disqualifies or recuses himself from any criminal, infraction, and ordinance violation case(s).

**A. Selection of Administrative Judge.** On or before November 1<sup>st</sup> of each year, (or as soon thereafter as possible) the Judges of the Circuit and Superior Courts of Harrison County shall meet in person or electronically with the presiding judges of the Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31, or until a replacement is selected after December 31.

**B. Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge on the case shall send notice of the need of the appointment of a special judge to the District's administrative judge who shall then make such assignment within five (5) days of receiving said notice.

**C. Method of Assignment.** The District's administrative judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall take into account the number of appointments required for each Court and the fact that current rules require that Special Judges in Criminal Cases serve in a contiguous county. The administrative judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

Special Considerations. If the Administrative Judge determines that newly selected Judges would benefit from a policy of "exchanging" cases to avoid excessive travel to multiple courts, assignments may be based upon these special temporary circumstances.

**D. Roster of Available Judges.** The roster of available judges in Administrative District 24 shall include the following judges:

Judge of the Harrison Superior Court  
Judge of the Crawford Circuit Court  
Judge of the Harrison Circuit Court  
Judge of the Orange Circuit Court  
Judge of the Orange Superior Court  
Judge of the Washington Circuit Court  
Judge of the Washington Superior Court  
Senior Judges approved for the requesting Court (s).

**E. Appointment Order.** Upon selecting a special judge, the administrative judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

**F. Acceptance of Jurisdiction.** The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required. When one of the sitting Judges of District 24 accepts appointment as Special Judge through a different selection method, such as Supreme Court Appointment, stipulation by parties, or by striking, that Judge may ask the Appointing Judge to add these appointments to the record for assignments and consider such service in making additional appoints.

**G. Form of Order.** The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF INDIANA  
(Caption)  
ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure or the Indiana Rules of Criminal Procedure, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special Judge in the above-captioned case.

So ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ Court

Assigned this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Administrative District 24  
Administrative Judge

**H. Implementation of Rule.** In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

**I. Certification to Supreme Court.** If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.

If the Judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

**A. Selection of Administrative Judge.** On or before November 1<sup>st</sup> of each year, (or as soon thereafter as possible) the Judges of the Circuit and Superior Courts of Harrison County shall meet in person or electronically with the presiding judges of the Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31, or until a replacement is selected after December 31.

**B. Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge on the case shall send notice of the need of the appointment of a special judge to the District's administrative judge who shall then make such assignment within five (5) days of receiving said notice.

**C. Method of Assignment.** The District's administrative judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall take into account the number of appointments required for each Court and the fact that current rules require that Special Judges in Criminal Cases serve in a contiguous county. The administrative judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

Special Considerations. If the Administrative Judge determines that newly selected Judges would benefit from a policy of "exchanging" cases to avoid excessive travel to multiple courts, assignments may be based upon these special temporary circumstances.

**D. Roster of Available Judges.** The roster of available judges in Administrative District 24 shall include the following judges:

- Judge of the Harrison Superior Court
- Judge of the Crawford Circuit Court
- Judge of the Harrison Circuit Court
- Judge of the Orange Circuit Court
- Judge of the Orange Superior Court
- Judge of the Washington Circuit Court
- Judge of the Washington Superior Court
- Senior Judges approved for the requesting Court (s).

**E. Appointment Order.** Upon selecting a special judge, the administrative judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

**F. Acceptance of Jurisdiction.** The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required. When one of the sitting Judges of District 24 accepts appointment as Special Judge through a different selection method, such as Supreme Court Appointment, stipulation by parties, or by striking, that Judge may ask the Appointing Judge to add these appointments to the record for assignments and consider such service in making additional appoints.

**G. Form of Order.** The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF INDIANA  
(Caption)  
ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure or the Indiana Rules of Criminal Procedure, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special Judge in the above-captioned case.

So ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ Court

Assigned this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Administrative District 24  
Administrative Judge

**H. Implementation of Rule.** In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

**I. Certification to Supreme Court.** If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.

If the Judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

**CASE LOAD ALLOCATION PLAN**

The Harrison County Caseload Allocation Plan shall be as follows:

- A. Cases filed in Harrison Circuit Court shall be
- (1) All juvenile delinquent, juvenile status, juvenile paternity and miscellaneous juvenile cases;
  - (2) All child in need of services (CHINS) cases;
  - (3) All juvenile termination of parental rights cases;
  - (4) All domestic relations cases;
  - (5) All civil miscellaneous cases;
  - (6) All uniform reciprocal support cases;
  - (7) All Petitions for an Order for Protection (Protective Orders);
  - (8) All mental health issues;
  - (9) All adoptions;
  - (10) All probate matters, including estates;
  - (11) All guardianships;
  - (12) All trusts;
  - (13) All mortgage foreclosure cases; and
  - (14) Civil plenary and civil collection cases wherein the amount in controversy is in excess of the jurisdictional limit of the small claims court.
- B. Cases filed in Harrison Superior Court shall be:
- (1) All criminal (murder, felony, misdemeanor and miscellaneous criminal cases);
  - (2) All infraction and ordinance violations;
  - (3) All small claims;
  - (4) Civil collection and civil plenary cases where the total amount of damages or property involved does not exceed the small claims jurisdictional amount; and
  - (5) All civil tort cases.
- C. All revocation of probation and post conviction relief cases shall be filed in the court where the original case is or was last pending.
- D. The Judge of either the Harrison Circuit Court or the Harrison



Superior Court may allow the filing of any cases in such court on a case-by-case basis unless another local rule, rule of the Indiana Supreme Court or a statute prohibits the filing of such cases in the court.

E. Cases already filed in either court shall remain in that court and this case allocation plan shall apply to new cases filed on and after the effective date of this caseload allocation plan.